



## **Austin City Council MINUTES**

**JULY 22, 1993**

### **CALL TO ORDER**

Mayor Todd called to order the meeting of the Council, noting the presence of all members.

### **MINUTES APPROVED**

1. Approval of Minutes for regular meeting of July 15, 1993

On Councilmember Garcia's motion, Councilmember Shea's second, 5-0 Vote, Councilmember Reynolds and Mayor Pro Tem Urdy out of the room.

### **CITIZEN COMMUNICATIONS: GENERAL**

2. Mr. Richard Trachtenberg, to discuss channels for citizen communication as they relate to the cable franchise.
3. Mr. Dave Dobbs, to discuss transportation and planning questions for Council.
4. Ms. Schulyne Roy, to request a waiver to permit carnival rides for children at the fun fair at Community Residence. Did not speak.
5. Ms. Portia Watson, to discuss the lack of timely response from police, noise pollution from boom boxes on wheels, and police attitudes.
6. Mr. Derrick Norris, to discuss crime in East Austin and how hard it is to meet with the Chief of the Police Department.
7. Mr. William Johnson, to discuss the curb cut on the southwest corner of N. Lamar and Rundberg Lane that was accessible before recent construction.
8. Mr. Robert Thomas, to discuss the Rosewood Recreation Center.
9. Mr. Ron Lane, to discuss the hospital.

#### ITEMS CONTINUED FROM PREVIOUS MEETINGS

10. Designate the Airport Zoning Commission, appoint membership and provide direction to prepare proposed ordinances for airport compatible land use zoning and height limitation and airport hazard area regulations. (Funding in the amount of \$35,000 is included in the proposed 1993-94 operating budget of the Aviation Department.)

The Planning Commission act as the Airport Zoning Commission.

On Councilmember Reynolds' motion, Councilmember Garcia's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Shea out of the room.

#### ORDINANCES

11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 7403 East Riverside, Case No. C14-93-0016, from "LR", Neighborhood Commercial, "SF-3", Single Family Residence, to "CS-CO", Commercial Services-Conditional Overlay; RAM Interests (Roger Maynard), by River City Engineering (Patrick Lackey). First reading on April 1, 1993; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council.
12. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Chapter 16-4, Section 4 - Speed Limits, for the installation of a 20 mph school zone on Rockwood Lane for students attending Pillow Elementary School. (Funding in the amount of \$8,000 is available in the 1992-93 operating budget of the Child Safety Fund.)
13. Authorize acceptance of \$6,510 from the National Institute for the Conservation of Cultural Property for a 1993 Conservation Assessment Program grant for the Jourdan-Bachman Pioneer Farm; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$6,510 in the Parks and Recreation Department Special Revenue Fund.)
14. Authorize acceptance of \$1,975 in grant funds from the Institute of Museum Services to conduct a collections management assessment of the Elisabet Ney Museum collections; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$1,975 in the Parks and Recreation Department Special Revenue Fund.
15. Amend Ordinance No. 920922-E, the operating budget of the Parks and Recreation Department for the Treaty Oak Trust and Agency Fund, increasing budgeted revenue in the amount of \$107,906 and increasing budgeted expenditures in the amount of \$88,489 for FY 1992-93. (Revenue in the amount of \$107,906 from the sale of Treaty Oak

memorabilia and donations to the Treaty Oak Fund; \$88,489 to be appropriated for sales expenses.)

16. Authorize acceptance of a \$60,000 grant from the Austin Housing Finance Corporation; amend Ordinance No. 920922-E, the 1992-93 operating budget by appropriating \$60,000 to the Department of Planning and Development (HOPE 3) Special Revenue Fund, and increasing budgeted revenue and expenditures. (Recommended by Housing Finance Corporation.)
17. Authorize acceptance of a grant from the Texas Water Commission in the amount of \$10,440 to construct a containment area for the used oil recycling facility at the City landfill, and for preparation of waste oil recycling educational material; amend Ordinance No. 920922-E, the 1992-93 operating budget, by increasing budget revenue and expenditures by \$10,440 in the Solid Waste Services Special Revenue Fund.)
18. Authorize acceptance of \$225,077 in grant funds from the Texas Department of Health for the Housing Opportunities for People with AIDS Program; amend Ordinance No. 920922-E, the 1992-93 operating budget, amending the Special Revenue Fund by appropriating \$225,077 in the Health and Human Services Department Special Revenue Fund.) (Related to Item 19)

#### RESOLUTIONS

19. Approve negotiation and execution of a twelve (12) month contract with AIDS SERVICES OF AUSTIN, to administer the Housing Opportunities for Persons with AIDS Program, in the amount of \$221,755, with two (2) twelve (12) month extension options, in an amount not to exceed \$221,755 per extension, for a total amount of \$665,265 pending renewal of the grant from the Texas Department of Health. (Funding provided by the Texas Department of Health; funding for the extension options is contingent upon renewal of the grant from the Texas Department of Health.) (Related to Item 18)
- #11-19 on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote.
20. Authorize negotiation and execution of a contract between the City of Austin, Travis County and PCA Health Plans of Texas, Inc., for the provision of health care services to Texas Department of Human Services Aid to Families with Dependent Children (AFDC) related Medicaid recipients by the Health and Human Services/Travis County Health Department for the period of August 1, 1993 to July 31, 1994, with the option to extend for one additional 12-month period.

(Projected revenue for services beginning August 1, 1993 is estimated to be \$1.3 million.)

On Councilmember Garcia's motion, Councilmember Goodman's second, 7-0 vote, with direction from staff to report to Council early in 1994 regarding how the program is functioning.

21. Authorize negotiation and execution of an amendment to the contract with AUSTIN ORAL AND MAXILLOFACIAL SURGERY ASSOCIATES, Austin, Texas, for the provision of oral surgery services to Medical Assistance Program (MAP) clients of the Health and Human Services Department, in the amount of \$35,000, for a total contract amount of \$82,500 for the contract period ending 09-30-93; and a \$35,000 increase to the second renewal for the period 10-01-93 to 09-30-94, for a total renewal amount of \$82,500; for a revised total amount not to exceed \$192,500. (Funding is available in the 1992-93 operating budget of the Health and Human Services Department; funding for the second renewal is contingent upon availability of funding in future budgets.) No M/WBE Subcontracting opportunities were identified.
  22. Approve execution of a six (6) month emergency supply agreement with GENERAL MEDICAL CORPORATION, Austin, Texas, for the purchase of medical, laboratory and dental supplies for use by the Health and Human Services Department/Travis County Health Department, in an estimated amount of \$190,000. (Funding in the amount of \$95,000 is available in the 1992-93 operating budget for the Health and Human Services Department; funding for the final three (3) months of the original contract period is contingent upon availability of funding in the future budget.) No M/WBE Subcontracting opportunities were identified.
- Councilmember Garcia requested future items have more explanation as to why they are considered an emergency.
23. Approve the City Council's official intent to reimburse a portion of the costs of acquisition of a computed tomography scanner (CT scanner) to be used as a diagnostic X-ray system by the Imaging Services Department of Brackenridge Hospital, out of future Contractual Obligations. (Funding in the amount of \$126,427.20 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the remaining \$1,137,844.80 will be provided by the issuance of Contractual Obligations during 1993-94.) (Related to Item 24)
  24. Approve negotiation and execution of a contract with GENERAL ELECTRIC MEDICAL SYSTEMS, Austin, Texas, for a computed tomography scanner (CT scanner) to be used as a diagnostic X-ray system by the Imaging Services Department of Brackenridge Hospital, in an amount not to exceed \$1,264,272, with the option to enter into a

maintenance contract after the warranty, in an amount not to exceed \$172,600, with options to extend the contract for up to three (3) one (1) year periods for the the following amounts: \$172,600 for the first extension; \$172,800 for the second extension; and \$172,800 for the third extension, for a total amount of \$1,955,072. (Funding in the amount of \$126,427 is available in the 1992-93 operating budget of Brackenridge Hospital; funding for the remaining \$1,137,844.80 will be provided by the issuance of Contractual Obligations during 1993-94.) Best offer of five (5). No M/WBE Subcontracting opportunities were identified. (Related to Item 23)

25. Authorize a construction contract award with HARRISON CONSTRUCTION COMPANY, Austin, Texas, for the renovation of the existing lower level area of Brackenridge Hospital, in an amount not to exceed \$48,550. (Funding is available in the 1992-93 operating budget of Brackenridge Hospital.) Low bid of two (2). 11.5% MBE, .36% WBE Subcontractor participation.
26. Approve execution of a seven (7) twelve (12) month supply agreements for pharmaceuticals with the following: MERCK & CO., INC., West Point, Pennsylvania, in the amount of \$72,198.95; MILES, INC., West Haven, Connecticut, in the amount of \$110,874; ORTHO-BIOTECH, Houston, Texas, in the amount of \$122,587.90; SOUTHWEST SURGICAL, Austin, Texas, in the amount of \$156,206.96; C.T. INTERNATIONAL, San Luis Obispo, California, in the amount of \$185,762.40; IMMUNO-U.S., INC., Rochester, Missouri, in the amount of \$250,000; and ORTHO PHARMACEUTICAL CORP., Raritan, New Jersey, in the amount of \$255,253.95, for a total amount of \$1,152,884.16, including an option to extend each agreement thereafter for up to one (1) additional twelve (12) month period for the same amounts for each company, for a total amount not to exceed \$2,305,768.32. (Funding in the amount of \$224,407.55 is available in the 1992-93 operating budget of Brackenridge Hospital; funding in the amount of \$63,813.49 is available in the 1992-93 operating budget of the Health Department; funding for the final nine months of the original contract period and extension options is contingent upon availability of funding in future budgets.)
27. Approve execution of a construction contract award to MCGINNIS BROTHERS, INC., Houston, Texas, for repairs caused by flood damage to the Hike and Bike Trail along Shoal Creek between West 9th Street and West Avenue, and Seider Springs Park at West 34th Street, in an amount of \$453,200. (Funding in the amount of \$285,267 available in the 1991-92 Capital Budget of the Parks and Recreation Department; \$49,333 budgeted in the Special Revenue Fund for Flood Damage Repairs.) Low bid of four (4). 10.6% MBE, 5.3% WBE.
28. Amend an Interlocal Agreement with Travis County for improvements, operations and management of the Springbrook Center Regional Soccer Complex, a regional stormwater detention and park facility.

(Funding in the amount of \$140,000 included in the 1993-94 proposed budget of the Drainage Utility Fund.)

29. Approve Change Order #4 to BASIC CONSTRUCTORS, INC., Houston, Texas, as final payment and settlement of all contractor claims related to the Hornsby Bend Wastewater Treatment Plant Sludge Thickening Facility Project, in the amount of \$80,000, for a total contract amount of \$7,013,408.79. (Funding included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) (Recommended by Wastewater Commission.) No M/WBE Subcontracting opportunities were identified.
30. Approve a construction contract award to BASIC CONSTRUCTORS, INC., Houston, Texas, for completion of filter improvements at the Ullrich Water Treatment Plant, in the amount of \$1,306,790.07. (Funding included in the 1992-93 Capital Budget of the Water and Wastewater Utility.) Low bid of five (5). 9.53% MBE, 17.37% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)
31. Approve the selection of ESPEY HUSTON AND ASSOCIATES, INC., Austin, Texas, for negotiation and execution of an agreement to provide professional engineering and associated services for the Harris Branch/Gilleland Creek Basin Wastewater System Improvements Program, in the amount of \$70,000. (Funding included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Best qualification statement of fifteen (15). 10% MBE, 10% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)
32. Approve Change Order #2 to AUSTIN ENGINEERING COMPANY, INC., Austin, Texas, for construction of gabion retaining walls for erosion control at Eastwoods Park on Waller Creek, in the amount of \$22,900, for a total contract amount of \$410,008. (Funding included in the 1992-93 Capital Budget of the Drainage Utility.) No M/WBE Subcontracting opportunities were identified.
33. Authorize the execution of Supplemental Amendment #1 to JESSEN, INC., (MBE), Austin, Texas, for construction document, bidding, construction administration and warranty phase services for the North Austin Police Substation, in the amount of \$80,000, for a total amount of \$200,000. (Funding included in the 1992-93 Capital Budget of the Police Department.) 17.55% MBE, 5.39% WBE Subconsultant participation.
34. Approve Change Order #7 to AUSTIN PAVING CO., INC., Austin, Texas, for increasing the bid quantity of asphalt stabilized base material and adding minor drainage improvement work as part of the Montopolis Drive Improvements Project, in the amount of \$7,857.66, for a total contract amount of \$1,620,454.90. (Funding included in the 1991-92

Capital Budget of the Department of Public Works and Transportation.) No M/WBE subcontracting opportunities were identified.

35. Approve Change Order #7 to CASH CONSTRUCTION COMPANY, Pflugerville, Texas, for additional wastewater main improvements as part of Phase I of the South Austin Outfall Relief Main, in the amount of \$31,459, for a total contract amount of \$2,292,575.22. (Funding included in the 1991-92 Water and Wastewater Utility Capital Budget.) 10.03% MBE, 0% WBE Subcontractor participation. (Reviewed by Water and Wastewater Commission.)
36. Approve the selection of HUNTINGDON/ARE, INC., Austin, Texas, for negotiation and execution of a contract to provide professional engineering and associated services for the Barton Springs Road/Robert E. Lee Road Intersection Improvement Project, in the amount of \$68,000. (Funding included in the 1991-92 Capital Budget of the Department of Public Works and Transportation.) Best qualification statement of five (5). 10% MBE, 5% WBE Subcontractor participation.
37. Approve the selection of TURNER COLLIE AND BRADEN, INC., Austin, Texas, for negotiation and execution of an agreement to provide professional engineering and associated services for preliminary phase engineering services for the South Austin Regional Wastewater Treatment Plant miscellaneous improvements, in the amount of \$50,000. (Funding included in the 1991-92 Capital budget of the Water and Wastewater Utility.) Best qualification statement of five (5). 10% MBE, 5% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission.)

#21-37 on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote.

38. Authorize negotiation and execution of a 38 month lease from the W.B. Houston and Company, located at 501 Waller Street, of approximately 35,626 sq. ft. of warehouse space for use by the Solid Waste Department for cart storage for the Pay-As-You-Throw Program, in the amount of \$16,400 for the remainder of FY 1992-93, and \$98,400 per year for the remainder of the lease term, with the option to extend for two (2) additional twelve (12) months. (Funding for FY 1992-93 is available in the 1992-93 operating budget of Solid Waste Services; funding for future fiscal years and the extension options is contingent upon availability of funding in future years.)

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39. Approve a construction contract award to CHASCO CONTRACTING, Round Rock, Texas, for construction of a clay liner for a new solid waste

disposal cell at the City landfill, in the amount of \$487,971. (Funding is available in the 1992-93 operating budget of the Solid Waste Services fund.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.

40. Approve execution of a twelve (12) month service agreement with LAIDLAW ENVIRONMENTAL SERVICES, INC., LaPorte, Texas, to package, transport and dispose of household hazardous waste collected at the household hazardous waste collection facility, in the amount of \$375,700, with the option to extend for two (2) additional twelve (12) month periods, in the amount of \$375,700 per extension, for a total amount of \$1,127,100. (Funding for the original contract will be provided in the 1993-94 operating budget of the Environmental and Conservation Services Department; funding for the extension options is contingent upon availability of funding in future budgets.) Low bid of seven (7) No M/WBE Subcontracting opportunities were identified.
41. Authorize negotiation and execution of an amendment to the professional services agreement with RADIAN CORPORATION, Austin, Texas, for additional environmental engineering and testing services the Mabel Davis Park Landfill Site Assessment and Remediation Project, in the amount of \$20,000, for a total contract amount of \$153,951. (Funding is available in the 1992-93 operating budget of Solid Waste Services.) [Related to Item 54]

#39-41 on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 vote.

42. Authorize the negotiation and execution of a five (5) year lease amendment with ADLARB Real Estate Investments dated October, 1998, for an additional 17,157 net usable square feet of office space in One Texas Center located at 505 Barton Springs Road, to house the Neighborhood Housing and Conservation Division of the Department of Planning and Development, in the amount of \$240,198. (Funding is available in the proposed 1993-94 operating budget of the Department of Planning and Development for the first year lease, contingent upon approval of 19th Year CDBG appropriation; funding for the final four years of the original contract period is contingent upon availability of funding in future budgets.)

On Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0-1 Vote, Councilmember Goodman abstained.

43. Approve a HOME Reconstruction Loan to Mr. and Mrs. Joe Trevino Capuchino for reconstruction of a one-story single-family dwelling at 2202 Willow Street, in the Guadalupe target neighborhood, in an amount not to exceed \$40,459. (Funding is available in HOME Year 1 grant funds.) [Recommended by Housing Subcommittee.]



44. Approve a HOME Reconstruction Loan to Mr. and Mrs. Pascual Perez for reconstruction of a one-story single-family dwelling at 2503 Diaz Street in the Guadalupe Target neighborhood, in an amount not to exceed \$40,000. (Funding is available in HOME Year 1 grant funds.) [Recommended by Housing Subcommittee.]

45. Approve a HOME Reconstruction Loan to Mr. Gilberto Escobar for reconstruction of a one-story single-family dwelling at 2506 Diaz Street in the Guadalupe Target neighborhood, in an amount not to exceed \$40,140. (Funding is available in HOME Year 1 grant funds.) [Recommended by Housing Subcommittee.]

#43-45 on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote.

46. Approve an agreement between Neighborhood Housing Services, a private non-profit corporation, and the City of Austin for implementation of the City's HOPE 3 Program. (Funding in the amount of \$3,125,000 provided by HOPE 3 funds; and \$1,276,500 provided through local match contributions.) [Recommended by Housing Subcommittee.]

Postponed to August 5, 1993.

47. Set a public hearing on an appeal by Ms. Leota Kay Biggs, of the Planning Commission's decision to approve a conditional use permit for a community recreation facility in LA (Lake Austin residence) zoning district at 2401 to 2501 Manana Street. (Suggested date and time: August 12, 1993 at 4:30 p.m.)

On Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote.

#### ITEMS FROM COUNCIL

48. Direct the City Manager to submit a grant application to the Texas Department of Transportation (TxDot), for the Metropolitan Austin Pedestrian & Bicycle Trail System and Ole Mexico, working in conjunction with the Austin Transportation Study (ATS), for the Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement funds and included inventory of billboards. (Councilmembers Jackie Goodman and Ronney Reynolds)

49. Approve a resolution declaring that the City of Austin shall participate in the creation of the LBJ scenic Hill Country Trail and directing the City Manager to assist in submission of a nomination application to the Texas Department of Transportation (TxDOT) working in conjunction with the Austin Transportation Study (ATS)

for Intermodal Surface Transportation Efficiency Act (ISTEA) Enhancement funds. (Councilmember Michael "Max" Nofziger and Mayor Pro Tem Charles Urdy)

50. Direct the City Manager to develop a Request for Proposal (RFP) for a consultant contract for Phase I of the Ole Mexico proposal and identify funds for such contract. (Housing Subcommittee)

#48-50 on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote.

51. C14-92-0120 - LEIF JOHNSON FORD, INC., (Jerry Bledsoe), By Mathias Company (Mike McBride), 5073 West U.S. Hwy 290. From DR to GR. Planning Commission Recommendation: To grant GR, Community Commercial zoning subject to compliance with conditions of the Traffic Impact Analysis; further subject to: (1) Save Our Springs (SOS) guidelines; (2) no hazardous discharge permits from the Air Control Board of Texas Water Commission; and (3) no underground storage tanks. (Mayor Pro Tem Charles Urdy and Councilmember Gus Garcia)

Approved GO-CO subject to same conditions - EMERGENCY PASSAGE OF ORDINANCE

On Councilmember Garcia's motion, Councilmember Shea's second, 5-0-1 Vote, Councilmember Reynolds out of the room, Councilmember Goodman abstained.

52. Approve an ordinance amending Title VII of the Code of the City of Austin, 1981, as amended, by adding Chapter 7-6 to provide a drug-free workplace and to regulate drug testing by employers. (Councilmembers Michael "Max" Nofziger and Jackie Goodman)

Postponed to August 12, 1993.

**EXECUTIVE SESSION (No Public Discussion on These Items)**

Session held in morning of this date in the Mayor's office.

**Pending Litigation - Section 2, Paragraph e**

53. Discussion and status of Roderick Tanner, Individually and on behalf of the Class of people known as the Current and Former Tenants of Watersbend Apartments et al. v. the City of Austin, Cause No. 92-11228.

**Advice from Counsel - Section 2, Paragraph e**

54. Discussion of Mabel Davis Park landfill issues. (Related to Item 41)  
Advice from Counsel - Section 2, Paragraph e  
Land Acquisition - Section 2, Paragraph f
55. Discussion of legal issues related to the use of Bergstrom property for a new airport.
56. APPOINTMENTS

Campaign Finance Reform Task Force - The following appointments were approved on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 7-0 Vote:

Jim Marston, Chair, Suzy Woodford, Margaret Gomez, Alfred Stanley, Tom Smith, Dave Helfert and Velma Roberts

ADJOURN - The meeting was adjourned at 5:20 P.M.

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